



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,511	01/16/2002	Michael Hall	14161	7693

7590 04/18/2003

MADSON & METCALF, P.C.
ATTORNEYS AT LAW
900 GATEWAY TOWER WEST
15 WEST SOUTH TEMPLE
SALT LAKE CITY, UT 84101

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
----------	--------------

3616

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,511

Applicant(s)

HALL ET AL.

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: .

Art Unit: 3616

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed May 15, 2002 has been entered and acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9, 11, 13, 15-20, 22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hardig, et al (6,454,298).

Hardig, et al discloses an inflatable curtain comprising a peripheral region 48, an inflatable portion 30 and a first stiffening element 40 positioned along at least as portion of the peripheral region. With respect to the first stiffening element reducing the inflation time of the inflatable portion during deployment, Hardig, et al teaches non-

Art Unit: 3616

inflatable segments and/or stiffening elements providing a band adjacent to the lower edge which remains uninflated, leading to a substantial reduction in the volume of inflation gas required to effect deployment of the inflatable curtain structure thereby reducing the inflation time of the inflatable portion (see Col 6, lines 48-57). The inflatable portion comprises an inflation inlet 33. The stiffening element is planar. The first stiffening element remains stationary with respect to the length of the inflatable curtain when the inflatable portion is inflated. A second stiffening element is positioned along a portion of the peripheral region. The first stiffening element has a length greater than its width, the inflatable curtain has a length greater than its width, and the length of the first stiffening element is oriented parallel to the length of the inflatable curtain. The peripheral region comprises an upper part and the first stiffening element is positioned along the upper part. The stiffening element is formed an integral portion of the inflatable curtain. The stiffening element is securely fastened to the inflatable curtain. The first stiffening element is stitched to the peripheral region. The inflatable curtain has a tether 34.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 12, 14, 21, 23, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardig, et al (6,454,298) in view of Mramor, et al (6,336,651).

Art Unit: 3616

Hardig, et al teaches the claimed invention except for connectors and the stiffening element being made of plastic. Mramor, et al teaches an airbag curtain 14 having a peripheral region having an upper part and further comprising a connector 116 located along the upper part to secure the inflatable curtain to an automobile and stiffening element 26 made of plastic. Mramor, et al also teaches a tetherless curtain. Based on the teachings of, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inflatable curtain of Hardig, et al to have connectors to provide an attachment means to connect the curtain to a vehicle. Based on the teachings of Mramor, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stiffening elements of Hardig, et al to be made of plastic to provide shape and/or form to the inflatable curtain, thereby reducing the need for tethers.

Conclusion

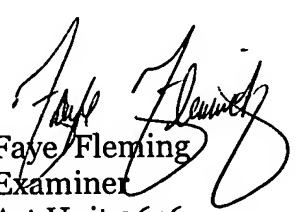
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references each discloses some features in common with the present invention such as an inflatable curtain having a stiffening element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Art Unit: 3616

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Faye Fleming
Examiner
Art Unit 3616

04/16/03

fmf
April 16, 2003